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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,097

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Christian Jansen

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07/30/2009

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

07/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/581,097

Applicant(s)

JANSEN ET AL.

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-56 is/are pending in the application.
- 4a) Of the above claim(s) 35-37, 48-50 and 54-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-34, 38, 39, 41-47 and 51-53 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 6, 2009 has been entered.

Election/Restrictions

2. Claims 35-37, 48-50 & 54-56 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election of the decoupler assembly shown in Figs. 2-10 (Species I) was made **without** traverse in the reply filed on September 15, 2008.

Response to Amendment

3. The status of each withdrawn claim was incorrectly identified in the claim listing in the amendment filed July 6, 2009.

Drawings

4. The replacement drawings filed June 18, 2009 are objected to because Fig 4 fails to show the first end cap 98. The fact that Fig. 4 is a side view does not preclude the inclusion of the end cap. To the contrary, from Fig. 2, it is apparent the end cap would/should be visible in such a view.

Specification

5. The substitute specification filed July 6, 2009 has not been entered because does not comply with 37 CFR 1.52(b)(5). The substitute specification lacks pagination.
6. The disclosure is objected to because:
 - a. At page 10, lines 14+, the torque lock-up position is described as occurring when the anti-ramp up boss 77 engages the “torque lock side” 45 of the slot 43, but this description contradicts the description at page 9, lines 4+ as well as Fig. 10.
 - b. At page 11, lines 8+, the anti-ramp up position is described as occurring when the anti-ramp up boss 77 engages the “anti-ramp up side” 47 of the slot 43, but this description contradicts the description at page 8, lines 24+ as well as Fig. 9.

Claim Objections

7. Claims 23 & 51 are objected to because in claim 23, line 23 and claim 51, line 23, the phrase “wherein torsion” should be changed to “wherein the torsion”.
8. Claim 24 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim Rejections - 35 USC § 112

9. Claims 28-34, 41-47 & 51-53 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no support in the application as originally filed for the limitations of claims 28, 31, 32, 41, 44 & 45 as well as claim 51, lines 36-42, 44 & 45.

14. Claims 23-26, 38 & 39 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling. A clutch element is essential to the practice of the invention, a decoupler assembly, but is not included in the claims. A decoupler assembly lacking a clutch element is not enabled by the disclosure. See *In re Mayhew*, 527 F.2d 1229, 188 USPQ 356 (CCPA 1976).

10. Claims 26-33 & 51-53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 26 recites the limitation "a helical second slot". There is insufficient antecedent basis for this limitation in the claim since a first such slot is not previously recited.

- b. Claim 51, lines 23-25 recites the nonsensical limitation, “wherein torsion spring is axially compressed between the hub and the carrier; wherein the torsion spring is compressed axially between the hub and the carrier”.

Claim Rejections - 35 USC § 102

11. Claims 23, 24 & 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Karge et al, US 1,507,921 (Karge). Karge shows a “decoupler” assembly that could be used for transferring torque between a drive shaft and an endless drive element of an automotive engine, the decoupler assembly comprising:

a hub 1, 13 adapted to be fixedly secured to the shaft, the hub extending axially between a first hub end and a second hub end;

a pulley 14 disposed concentrically about the hub and adapted to be drivingly engaged with the endless drive element;

a bearing 6-8 & 15 between the hub and the pulley, the bearing supporting the pulley for rotation about a rotational axis of the hub;

a carrier 2, 5 rotatably mounted about the second hub end;

a torsion spring 3 extending axially between the hub and the carrier, a first end of the torsion spring being engaged to the carrier, a second end of the torsion spring opposite the first end of the torsion spring being coupled to the hub such that the torsion spring is configured to transfer torque from the carrier to the hub (see also page 1, lines 60-63); and

a thrust plate 4 fixedly mounted on the second end of the hub;

wherein the carrier includes an anti-ramp up feature 17, wherein the thrust plate includes a circumferentially extending slot (see also page 2, line 18) into which the anti-ramp up feature is received, the slot having a first slot end and a second slot end (see Fig. 2), the anti-ramp up feature traveling within the slot between the first slot end and the second slot end for limiting rotation between the carrier and the thrust plate (see page 2, lines 16-40) while wherein torsion spring is axially compressed between the hub and the carrier.

Allowable Subject Matter

12. Claim 27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

13. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

14. Applicant's arguments filed July 6, 2009 have been fully considered but they are not persuasive.

- a. Applicant argues the limitations, of claims 28 & 41 and claim 51, lines 36-40 are supported in the specification at paragraphs beginning at the bottom of page 9 and at the

top of page 11. However, no where there or anywhere else in the specification is there a description of first and second conditions like those recited in claims 28 &

- i. The “first condition” is recited as one where the clutch element 71 inhibits transmission of rotary power from the pulley 50 to the carrier 75 when the anti-ramp up feature 77 is positioned at the first slot end 45. However, in the disclosed invention, an abutting relationship between the anti-ramp up feature 77 and the first slot end 45 does not effect the clutch element or cause it to inhibit the transmission of rotary power from the pulley 50 to the carrier 75.
- ii. The “second condition” is recited as one where the clutch element 71 facilitates transmission of rotary power from the pulley 50 to the carrier 75 when the anti-ramp up feature 77 is positioned at the second slot end 47. However, in the disclosed invention, an abutting relationship between the anti-ramp up feature 77 and the second slot end 47 does not effect the clutch element 71 or cause it to facilitate transmission of rotary power from the pulley 50 to the carrier 75.
- b. Applicant argues the limitations, of claims 31 & 44 and claim 51, lines 41 & 42 are supported in the specification at the paragraph beginning at the bottom of page 9. However, no where in that paragraph is there a mention of the anti-ramp up feature 77 being “positioned at the second slot end” 47, much less how such positioning would relate to the clutch spring 71 engaging the pulley 50.
- c. Applicant argues the limitations, of claims 32 & 45 and claim 51, lines 44 & 45 are supported in the specification at the paragraph at the top of page 11. However, no

where in that paragraph is there a mention of the second end 74 of the clutch spring 71 being a free end that is not fixedly coupled to the carrier 75, the hub 22 or the pulley 50.

d. Applicant argues that in the previous Office action, the examiner failed to provide a *prima facie* case of lack of written description in regard to new claims 28-34, 41-47 & 51-53. However, the examiner did in fact provide such a case. See MPEP § 2163.04. Applicant has failed to indicate where those claims are supported in the application as originally filed.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Manchester and Mevissen each show an assembly comprising a torsion spring.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 10:30 am to 8:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg Binda/
Primary Examiner, Art Unit 3679